

DELTA PROTECTION COMMISSION

2101 Stone Blvd., Suite 210
West Sacramento, CA 95691
Phone (916) 375-4800 / FAX (916) 376-3962
Home Page: www.delta.ca.gov



March 18, 2015

Jacob McQuirk, Supervising Engineer (via email:
DWREDBCOMMENTS@water.ca.gov)

California Department of Water Resources
P.O. Box 942836
Sacramento, CA 94236

Dear Mr. McQuirk:

On behalf of the Delta Protection Commission (Commission), I submit the following comments on the proposed Initial Study/Mitigated Negative Declaration for the Emergency Drought Barriers Project (IS/MND).

State law identifies the Commission as a “forum for Delta residents to engage in decisions regarding actions to recognize and enhance the unique cultural, recreational, and agricultural resources of the Delta” [PRC section 29703.5(a)]. In this spirit, the Commission reviewed the IS/MND for its impacts on Delta water resources, agriculture, recreation and community.

As the Commission stated in its 2014 letter to the U.S. Army Corps of Engineers on the proposed permit for emergency drought barriers, the Commission understands the need to take extraordinary actions in extreme drought conditions to minimize the intrusion of salinity into the interior Delta. On a conceptual level, the emergency drought barriers are a workable solution to the problems faced with minimal Delta outflows. However, there are several concerns about their installation and operation that we wish to express.

The initial concern is one expressed by many Delta residents: what are the specific circumstances that would trigger the installation of the drought barriers? In a presentation by Department of Water Resources (DWR) staff in Clarksburg on February 5 and throughout the IS/MND, it does not appear that there is a clear answer to this question. A clear rationale for what would trigger the installation of emergency drought barriers would do much to allay concerns that true drought emergency conditions and not convenience for Delta water exports is the motivation for barrier installation.

Contra Costa County Board of Supervisors

Sacramento County Board of Supervisors

San Joaquin County Board of Supervisors

Solano County Board of Supervisors

Yolo County Board of Supervisors

Cities of Contra Costa and Solano Counties

Cities of Sacramento and Yolo Counties

Cities of San Joaquin County

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

CA State Transportation Agency

CA Department of Food and Agriculture

CA Natural Resources Agency

CA State Lands Commission

Another concern is the use of a mitigated negative declaration as the appropriate environmental document, especially considering that mitigation measures in the IS/MND do not appear to be sufficient to reduce effects to a less than significant level. It is also disappointing that potential impacts identified in 2014 meetings on proposed drought barriers have still not been addressed in the IS/MND. For the north Delta barriers, DWR's initial progress in working with the North Delta Water Agency (NDWA) in negotiating a memorandum of understanding regarding the installation, operation, and ultimate removal of the barriers was halted and never resumed, to the detriment of the proposed IS/MND. The IS/MND only states a promise for DWR to work with affected agricultural diverters and NDWA on operational conditions and does not identify mitigation measures that will be implemented if an agreement with NDWA is not executed prior to barrier installation.

The Commission's primary concerns with the IS/MND involve the project's impacts on Delta water resources and agriculture, recreation and community.

Water Resource and Agricultural Impacts

Many of the water resource impacts that would occur as a result of the barriers installation affect agricultural production in the Delta, especially in the North Delta. This includes decreased water quality downstream of barrier installation and impacts as a result of changes to surface water elevations, potentially affecting tens of thousands of acres of farmland on Sutter Island, Ryer Island, Grand Island and the Netherlands District.

The IS/MND needs to include more detailed information about existing diversions in the affected North Delta sloughs (Sutter, Miner, Steamboat and Cache) to determine the effects on diversions in these areas once the barriers are installed. There appears to be no commitment by DWR to measure water quality within affected areas (Sutter Slough, Miner Slough, Steamboat Slough and Cache Slough and the Sacramento River at Rio Vista, Three Mile Slough, Emmaton and Mayberry Slough) to determine the location-specific impacts of the proposed north Delta barriers.

Mitigation measure HYDRO-1 describes a process for identifying water elevation impacts caused by the barriers that are left to the discretion of DWR to remedy (or not); further, the process identified in HYDRO-1 could lead to a delay of days before problems are addressed, potentially preventing agricultural landowners from diverting water and impacting crop yields. Also, funding for implementing mitigation measures and payment of damage claims arising from crop damages are not identified in the IS/MND.

Mitigation measure BIO-8 describes an adaptive management process that DWR will undertake in coordination with the wildlife and fishery agencies during the life of the barriers. It is recommended that DWR also institute regular meetings (weekly or more often if problems are being identified) with representatives of affected Delta residents and landowners (including North Delta Water Agency) to ensure that problems with the operation of the barriers are being addressed.

The IS/MND does not appear to discuss the effects of increased water temperatures as a result of decreased flows in channels affected by the barriers. Increased water temperatures, combined with the lack of flow, will likely lead to growth of invasive aquatic weeds. Aquatic weeds are already a serious problem in the Delta, and will have effects on diversion intakes and navigation. The IS/MND should describe measures to control and remove invasive aquatic weeds caused by the installation of the barriers.

Recreation and Delta Community Impacts

Drought barriers would have significant impacts on recreational boating, especially in the popular West False River and Steamboat Slough areas. The proposed Steamboat Slough boat ramp is an unrealistic mitigation measure, with limited utility for only certain recreational boaters. The barrier design should be notched to allow for recreational boaters to pass through the barriers; alternatively, DWR could operate and maintain locks at their expense to facilitate boat movement through the barriers, as has been suggested by Recreational Boaters of California.

The IS/MND does not describe the impact to Delta roadways from construction traffic and proposes no mitigation measures for impacts to Delta roadways, which in many cases are also levees that provide flood protection.

The Commission has a concern over the water elevation impacts of the north Delta barriers on Ryer Island and its ferry service; lowered water elevations could affect the operation of the Ryer Island ferry, a critical transportation feature and public safety component for Ryer Island residents and visitors. There should be discussion in the IS/MND of alternative transportation should the Ryer Island ferry be affected.

If the barriers are truly needed for salinity control in the Delta, delaying the installation to later in the season would also minimize the effects on agriculture and recreational boating.

Finally, if the barriers are to be installed in future years after the initial installation, DWR should commit to complete a report that details the effectiveness of the barrier operation, the effectiveness of mitigation measures, and specific additional mitigation measures that should be instituted to ensure that future impacts are reduced.

We appreciate your consideration of our comments.

Sincerely,



Erik Vink
Executive Director